

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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MARGARET E. SAGER, II,

Plaintiff,

v.

THE UNITED STATES GOVERNMENT,
et. al.,

Defendants.

Case No. 2:13-cv-00369-MMD-VCF

ORDER ACCEPTING REPORT AND
RECOMMENDATION

Before the Court is Magistrate Judge Cam Ferenbach's Report and Recommendation ("R&R") (dkt. no. 2), regarding Plaintiff Margaret E. Sager, II's Complaint and Application to Proceed *in forma pauperis*. (Dkt. no. 1.) Ms. Sager did not file an objection but sent letters to the Court on March 21, May 10, July 1 and July 22, 2013, informing the Court that she had changed her address and asking for information and updates regarding her case. (See dkt. nos. 4, 5, 6, 7.)

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's


1 report and recommendation where no objections have been filed. See *United States v.*
2 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
3 employed by the district court when reviewing a report and recommendation to which no
4 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
5 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
6 district courts are not required to review "any issue that is not the subject of an
7 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
10 which no objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
12 order to determine whether to adopt Judge Ferenbach's R&R. The Court has conducted
13 a *de novo* review of the record in this case, including Ms. Sager's letters, and finds good
14 cause to adopt Judge Ferenbach's R&R in full.

15 IT IS HEREBY ORDERED that Magistrate Judge Ferenbach's Report and
16 Recommendation, (dkt. no. 2), is ACCEPTED and ADOPTED.

17 The Clerk of the Court is instructed to close this case.

18 DATED THIS 12th day of August 2013.

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22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
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